

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims

Claim 16 is currently being amended. Support for the features added to claim 16 may be found, for example, on pages 34-36 of the specification.

No claims are currently being added or canceled.

This amendment amends a claim in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-28 and 30-45 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,532 to Kawan and U.S. Patent No. 5,822,432 to Moskowitz et al. in view of U.S. Patent No. 6,735,575 to Kara. This rejection is traversed with respect to pending claims 1-28 and 30-45, for at least the reasons given below.

The Office Action relies on Kara to allegedly disclose “a seller that uses a unique identification number to establish an encryption code for printing on the form a machine readable security indicia . . . [and] a scanner 34 for scanning bar code or indicia.” Applicant respectfully disagrees with this assertion, at least with respect to the features recited in the presently pending independent claims.

In Kara, a user access the seller of good/services, and during an information exchange with the seller the user inputs a portion of preprinted data from a form. The seller then uses this information to formulate a printable control indicia, such as a bar code label, which is then printed on the form at the user’s location. See Abstract of Kara. Thus, for example, if a user is attempting to purchase a plane ticket from an airline, the user can access the web site of the airline selling airplane tickets, and the seller can then provide the user with data for allowing the user to print a ticket that includes a bar code that can be used to authenticate the ticket that is printed at the user’s location. That way, the user need not worry that the ticket

being printed at the user's own location is not authentic, so that the user can then later go to the airport with confidence that the ticket that he/she printed at his/her home will be accepted by the airline at the airport.

Each of the independent claims, on the other hand, recites that the bar code is provided on the goods or is provided directly to a user of the mobile terminal by the seller for purchase of the service, wherein the seller and the purchaser are co-located during the deal.

In Kara, the seller and the purchaser are not co-located during the deal, whereby the deal corresponds to the purchase of an airplane ticket by the buyer. That is the main purpose of Kara, in that the user can be located apart from the seller and still be able to print out an authentic ticket. To argue that Kara's system may be used for a co-located seller and buyer goes totally against the main purpose of Kara, and thus would defeat the purpose of Kara's system.

Accordingly, since Kara teaches away from having a seller and a purchaser being co-located during a deal, and since the other cited art of record does not teach or suggest these features, each of the presently pending independent claims are patentable over the combined teachings of the cited art of record.

Furthermore, as argued in the previously-filed responses, there is no motivation to combine the teachings of Kawan with those of Moskowitz et al., whereby Kawan is directed to a scheme by which a user can add value to his/her smart card, and whereby Moskowitz et al. is directed to a watermark scheme by which a purchaser can legally purchase something from a seller.

In particular, Moskowitz et al. is directed to the encoding and decoding of digital watermarks. This technology is relevant to digital multimedia and the protection of copyrighted works. It has no bearing on completing a transaction or settling the purchase of goods and services using a mobile terminal and a settlement computer, according to the present invention. It has no bearing on portable ATMs according to Kawan. It is squarely in an unrelated art to the present invention and to the primary reference Kawan. There is also no motivation to combine digital watermarking technology of Moskowitz et al. to the portable ATM technology of Kawan. The portions of Moskowitz et al. cited in the Office Action merely relate to the use of digital watermarking for metering purposes to track digital/copyrighted content transferred in order to later collect for use.

Accordingly, each of the presently pending independent claims under rejection are patentable over the cited art of record.

The presently pending dependent claims are patentable for the specific features recited in those dependent claims, as well as for their dependencies on one of the presently pending independent claims discussed above. For example, presently pending dependent claim 16 recites transmitting the settlement completion information to the mobile terminal and to the seller's apparatus by the settlement computer, wherein, when the settlement completion information indicates that the deal has been completed between the seller and the purchaser, a gate device is signaled by the seller's apparatus, to allow passage of the goods or the service corresponding to the deal therethrough without causing a visual or audible warning. This allows for a purchaser to purchase goods or services without having to deal with a cashier, for example, as explained on page 35 of the specification. Such features as recited in claim 16 are not taught or suggested by the combined teachings of the cited art of record.

Conclusion:

Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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